



MARVIN ENGLISH, JR.; LEO ALBERT §
 BESEMAN; LAURIER VICTOR COITEUX; §
 KENNETH RAYMOND DITZLER; LUTHER §
 THOMAS DINSMORE; DANIEL FEGLER; §
 JAMES EDWARD JOHNSON; RUE LEE §
 ALLEN and MAE REDA ALLEN; ALBERT §
 FISHER; and DUANE WILLIAM KRUGER; §
 Plaintiffs, §

v. §

OWENS-CORNING FIBERGLAS §
 CORPORATION; et al., §
 Defendants. §

IN THE DISTRICT COURT OF

DALLAS COUNTY, TEXAS

192ND JUDICIAL DISTRICT

PLAINTIFF'S SUPPLEMENTAL ANSWERS TO INTERROGATORIES

TO: Plaintiff, Duane William Kruger, by and through his attorneys of record, Ms. Kimberly A. Castles, BARON & BUDD, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

COMES NOW the Defendant, The Burlington Northern and Santa Fe Railway company as successor in interest to the Burlington Northern Railroad Company, and files these Supplemental Answers to answers previously filed by this Defendant on or about March 25, 1996, a copy of which is attached hereto for reference.

Respectfully submitted,

MCLEOD, ALEXANDER, POWEL &
 APFEL, P.C.

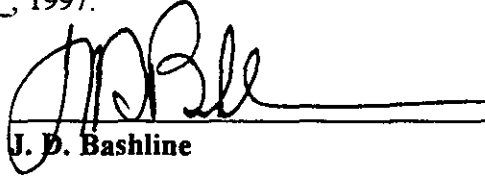

 J. D. BASHLINE

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**ATTORNEYS FOR DEFENDANT THE
 BURLINGTON NORTHERN AND SANTA FE
 RAILWAY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent by certified mail, return receipt requested to all counsel of record via regular mail, certified mail and/or facsimile on this the 30 day July, 1997.



J. D. Bashline

INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all positions, titles, or jobs held while working for Defendant of each person who supplied any information used in answering these interrogatories.

ANSWER:

See objections filed with original answers. Without waiver: The information was compiled from a variety of corporate sources and persons by Ron Ryder, previously identified, and Robert T. Attridge, Director, Occupational Claims, The Burlington Northern and Santa Fe Railway Company.

INTERROGATORY NO. 2: State the full and proper business name and address of the Defendant. State whether or not you are a corporation. If so, state your corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas, maintained a registered agent in Texas, engaged in business in Texas or recruited or hired employees in Texas.

ANSWER:

Defendant The Burlington Northern and Santa Fe Railway Company, successor-in-interest to the Burlington Northern Railroad company, is incorporated in the state of Delaware, with its principal place of business in Fort Worth, Texas. Defendant objects to the remainder of Plaintiff's interrogatory as overly broad and unduly burdensome.

INTERROGATORY NO. 3: With regard to each policy of liability insurance intended to provide coverage to Defendant, its agents and/or employees for the liability in connection with the allegations such as those delineated in Plaintiff's Original and Amended Petitions including, but not limited to, all primary and excess policies covering the Defendant for such liability, state the name and address of each carrier.

ANSWER:

See prior objections. Without waiver: The Burlington Northern and Santa Fe Railway Company believes that it would be self-insured for any liability arising from the occurrences made the basis of this suit.

INTERROGATORY NO. 4: State whether you contend that the Plaintiff has done anything or failed to do anything that constitutes contributory negligence and/or a failure to mitigate damages. If so, please describe the basis of your contention and what evidence exists to support that contention.

ANSWER:

See prior objections. Without waiver: Unknown at this time; Plaintiff has not been deposed and has provided inadequate discovery information for Defendant to make such determination.

INTERROGATORY NO. 5: List each and every place of work and job assignment of the Plaintiff which he held during his employment with you and describe in detail the duties involved in each of the job assignments.

ANSWER:

Unknown. Plaintiff did not work for this Defendant, but according to Railroad Retirement Board records was employed by a previously existing (1890-1970) corporation, The Great Northern Railroad where he worked for three months in 1948; four months in 1949; eight months in 1950, and one month in 1952. He was, according to those records, employed by the Oregon, California and Eastern Railway Company for two months in 1948; three months in 1949; three months in 1950 and two months in 1951. Further information must come from Plaintiff.

INTERROGATORY NO. 6: Describe in detail your knowledge of the nature of other work performed in your railroad or railroad shops during the period of Plaintiff's employment, where insulation and asbestos-containing products were installed, removed or used by railroad workers working in the vicinity of the Plaintiff.

ANSWER:

See prior objections. Without waiver: unknown. See answer No. 5 above. To the extent Plaintiff's interrogatory answers identify him as a railroad fireman, not applicable.

INTERROGATORY NO. 7: If you have alleged in your answer that someone else's conduct or some other condition or event was the "sole proximate cause" or was "contributing proximate cause" of the alleged injuries made the basis of this lawsuit, please describe in detail the identity of such other person, entity, corporation, event, or condition and identify all evidence upon which you base this contention.

ANSWER:

See prior objections and answers. Also, Plaintiff's medical records to date seem to indicate he claims asbestos exposure from U.S. Naval service and from exposure to friction products in work on log trucks.

INTERROGATORY NO. 8: If you have alleged in your answer that Plaintiff's injuries and/or damages were caused by some other injury, disease or condition, either pre-existing or unrelated to and arising after or in conjunction with the Plaintiff's exposure to asbestos-containing products, please describe in detail such pre-existing or subsequent disease, injury or condition. For each alleged other injury, disease or condition, identify all evidence upon which you base this contention.

ANSWER:

See prior objections and answers. Further answers must await Plaintiff's IME and deposition.

INTERROGATORY NO. 9: Please state the name, most recent address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to this case involving, but not limited to:

- A. Identification of asbestos-containing products or type of products to which Plaintiff was exposed or facts disputing the identification of these products;
- B. Plaintiff's damages, injuries and/or facts disputing Plaintiff's alleged damages and/or injuries;
- C. The negligence of any person or entity other than Defendant which Defendant contends was a cause of Plaintiff's alleged injuries and/or damages;
- D. Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

- A. Unknown. Plaintiff has not been deposed; there is no available information as to his exposure claims.
- B. Defendant has no information aside from that contained in medical records in this case; the identity of the health care providers from whom such information has been obtained is available by consulting your file copy of our deposition notices to record custodians. Also, the physician chosen by Defendants to perform an IME on Plaintiff will have such information on his report; no IME has yet been conducted.
- C. None known now; will supplement.
- D. See objection previously filed. Without waiver: Unknown at this time; will be supplemented if necessary.

INTERROGATORY NO. 10: Identify the names and addresses of all individuals Defendant may call as an expert witness(es) at trial, and for each individual, please state:

- A. The subject matter in which the witness is expected to testify, the substance of the facts and opinions to which the witness intends to testify on the Defendant's behalf

- and, a summary of the grounds for each opinion;
- B. All factual observations, test results, supporting data, learned treatise (books, general articles, texts or other publications) and opinions which the witness has generated, been provided, intends to use, and/or may use to support his/her opinions and conclusions relative to the case whereupon which the witness has or will base his/her testimony in this matter. The identity and address of each consulting expert whose opinions or data have been referred to and/or relied upon by the expert witness, and the complete title and author of each learned treatise referred to and/or relied upon by the witness for information and/or corroborating his/her opinions regarding the subject matter of this lawsuit.

ANSWER:

Larry Liukonen, Technical Safety & Health Consulting, Inc., 3605 West Pioneer Parkway, Suite D, Arlington, Texas 76103-4500

Subject: State of the art, causation, safety, industrial hygiene, sea worthiness, knowledge of the industry.

Frances Weir, Ph.D.
8131 Wycomb Dr.
Houston, Texas 77070
(713) 893-4003

Subject: State of the art, causation, safety, industrial hygiene, toxicology, knowledge of the industry.

Dr. Robert Marshall Ross
17030 Nanes Drive, Suite 214
Houston, Texas 77090
(281) 440-8851

Dr. Ross may testify regarding Plaintiff's medical condition. His opinion will be contained in his report, which will be produced when written.

Dr. R. Keith Wilson
Respiratory Consultants of Houston
6550 Fannin Street
Houston, Texas 77030
(713) 790-6250

Will testify regarding the medical condition of Plaintiff.

Phillip T. Cagle, M.D.
Center for Pulmonary Pathology
Baylor College of Medicine
One Baylor Plaza
Houston, Texas 77030
(713) 798-3671

Will testify regarding the medical condition of Plaintiff.

INTERROGATORY NO. 11.: Identify all persons, entities, agencies or others, whether governmental (state or federal) or private, who participated in any investigation of the claims made the basis of this lawsuit.

ANSWER:

See prior answers. Also investigating the claim have been Robert T. Attridge, Director, Occupational Claims and J.D. Bashline, Attorney for The Burlington Northern and Santa Fe Railway Company. All such investigation was begun subsequent to filing of this suit.

INTERROGATORY NO. 12: Before 1980, did Defendant or any predecessor or subsidiary company of Defendant receive notice that any individual or individuals claimed injury(ies) as a result of exposure to asbestos? If so, state:

- A. The name and address of each claimant;
- B. The date of notice of each claim;
- C. A description of the claim;
- D. The type of injuries allegedly sustained by each claimant;
- E. The name and address of each attorney who represented each individual making a claim;
- F. The style and court number of each claim;
- G. The disposition of each claim that has been settled or taken to judgment.
- H. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

See prior objections. This entity has no record of any such notice with regard to predecessor companies.

INTERROGATORY NO. 13: Has Defendant or any of its predecessor or subsidiary companies at any time published, distributed or displayed any printed material, including brochures, pamphlets, catalogs, warning signs or statements, packaging or other written material of any kind or character containing any warning concerning the possibility of injury resulting from the use of

- asbestos containing products and/or machinery requiring the use of asbestos-containing products and/or exposure to airborne asbestos resulting from the use of asbestos-containing products by others? If so, state:

- A. The exact wording of each warning statement and a description of the material upon which the warning was printed;
- B. The method(s) used to distribute the materials to persons likely to use the asbestos containing products or likely to be exposed to airborne asbestos;
- C. The date each warning was first issued or distributed;
- D. The name, address, and job title of each person responsible for having drafted or issued the warning statements and/or written materials;
- E. The current location of any such printed material and the custodian thereof;
- F. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

See objections previously filed. Without waiver: This Defendant has no records of any such documents dating from the time of Plaintiff's alleged employment with a predecessor entity.

INTERROGATORY NO. 14: Did Defendant, its agents and/or employees, borrowed servants or any other entity or person at the direction of the Defendant install, repair, replace, use, prepare for use, assemble, store and/or apply, either as an original appurtenance of the railroad or placed in/on the railroad in conjunction with repairs, alterations or fabrications to the railroad, any asbestos containing products or machinery requiring the use of asbestos or asbestos-containing products during the time Plaintiff worked for Defendant and on such of Defendant's railroad or railway car(s) and/or engine(s), as previously defined, upon which Plaintiff worked including but specifically not limited to the following types of products: boilers, asbestos cement, pipe, pipecovering, gaskets, flat and corrugated siding, millboard, cements and fillers, insulated paper, firebrick, insulating materials, spray on fireproofing compounds, clothing, thermal, electrical and acoustical insulating materials, flooring, motor casings, insulating tapes, friction products, brake shoes, brake linings, clutch linings, wire and cable? If so, identify:

- A. By name and number each of Defendant's railroad(s), whether operating or in railyards, upon which Plaintiff worked and upon which the asbestos-containing product(s), friction products and/or machinery requiring the use of asbestos or asbestos-containing products were installed, repaired, replaced, used, prepared for use, assembled, stored or applied during the time Plaintiff worked for Defendant;
- B. The particular type of asbestos-containing product(s), friction products and/or machinery requiring the use of asbestos or asbestos-containing products present on said railroads;
- C. The trade or brand name of each of the asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing

- products installed, repaired, replaced or applied upon the railroad(s) and/or railway car(s) and/or engine(s) in question;
- D. The years during which each named asbestos product was applied, assembled, stored, used, prepared for use or installed either as an original appurtenance of the railroad or railway car(s) and/or engine(s) or placed on/in the railroad or railway car(s) and/or engine(s) in conjunction with repairs, alterations or fabrications to the railroad(s) and/or railway car(s) and/or engine(s); and
- E. The dates of any removal or abatement of such asbestos-containing products, friction products and/or machinery requiring the use of asbestos-containing products from the railroad(s) and/or railway car(s) and/or engine(s) in question.

ANSWER:

See previously filed objections. Without waiver: Unknown. This Plaintiff claims to have worked briefly for a predecessor entity in the 1940's and 1950's. There are no records from which this question can be answered, and no individual or collection of individuals who have this information.

INTERROGATORY NO. 15: If the answer to the preceding interrogatory is in the affirmative or if any asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products are identified in response to such interrogatory, state the following as to each identified product:

- A. The name(s) of the company(ies), entity(ies) or other persons, whether crew members, builders, subcontractors, employees, borrowed servants or others installing, repairing, replacing, using, preparing for use, assembling or applying each asbestos-containing product, friction product and/or machinery requiring the use of asbestos or asbestos-containing products on such of Defendant's railroad(s) and/or railway car(s) and/or engine(s) upon which and in the vicinity of which Plaintiff worked;
- B. A description of the physical appearance of each of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products identified;
- C. A detailed description of the intended uses of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products identified;
- D. A detailed description of the location upon each of Defendant's railway car(s) and/or engine(s) in question where such asbestos-containing products and/or machinery requiring the use of asbestos or asbestos-containing products were installed, repaired, replaced or applied.

ANSWER:

N/A See answer No. 14.

INTERROGATORY NO. 16: Has Defendant its agents and/or employees or any other entity at the direction of Defendant, including any of its predecessor or subsidiary companies, engaged in or contracted with another entity for the acquisition, ordering, purchasing, supplying or distributing of asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products any time prior to or during the time Plaintiff was employed by Defendant for use on or in such of Defendant's railroad(s) and/or railway car(s) and/or engine(s) upon which Plaintiff worked including but specifically not limited to: boilers, asbestos cement pipe, pipecovering, gaskets, flat and corrugated siding, millboard, cements and fillers, insulated paper, firebrick, insulating materials, spray on fireproofing compounds, clothing, thermal, electrical and acoustical insulating materials, flooring, motor casings, insulating tapes, wire, cable, brake shoes, brake linings, and clutch linings? If so, identify:

- A. Each of Defendant's railway car(s) and/or engine(s) by name and number upon which Plaintiff worked for which the asbestos-containing products, friction products and/or machinery identified were ordered, purchased, supplied or distributed during the time Plaintiff was employed by Defendant;
- B. The particular type of asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products acquired;
- C. The trade or brand name of each of those asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products ordered, purchased, supplied or distributed;
- D. The years such asbestos-containing products were acquired, ordered, purchased, supplied or distributed by Defendant;
- E. The dates of any removal or abatement of such asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products from the railway car(s) and/or engine(s) and/or locomotives in question.

ANSWER:

Plaintiff alleges he worked for a predecessor entity in the late 1940's and early 1950's. This Defendant has no records from that entity nor that time frame to be able to answer these questions.

INTERROGATORY NO. 17: If your answer to the preceding interrogatory is in the affirmative, or if any asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products are identified in response to such interrogatory, state the following as to each product so identified for each of the railway car(s) and/or engine(s) and/or locomotive(s) identified:

- A. The name(s) of the company(ies), entity(ies), manufacturer(s) from which the asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products were acquired, ordered, purchased, supplied or distributed;

- B. The date(s) each asbestos-containing product, friction products and/or machinery requiring the use of asbestos or asbestos-containing products was ordered, purchased, supplied or distributed;
- C. A description of the physical appearance of each of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products;
- D. A detailed description of the intended uses of the named asbestos-containing products, friction products and/or machinery requiring the use of asbestos or asbestos-containing products;
- E. Identify the last year that Defendant ordered, purchased, supplied or distributed each asbestos-containing product, friction products and/or machinery requiring the use of asbestos or asbestos-containing products.

ANSWER:

N/A See answer No. 16.

INTERROGATORY NO. 18: State whether you or any of your predecessors and/or subsidiaries maintain, from 1960 through the present or for any portion thereof, copies of invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature relating to the purchase or acquisition of asbestos-containing products, friction products and/or machinery requiring the use of asbestos-containing products. If so, state:

- A. The location of such documents;
- B. The name and address of the custodian of the documents;
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.;
- D. In what form the documents can be accessed, i.e., by railway car and/or engine name and/or locomotive name, by railroad track line, by product type, etc.

ANSWER:

See objections previously filed. Plaintiff claims to have been employed by a predecessor briefly in the 1940's and 1950's. In addition to being burdensome and harassing, the information sought is irrelevant considering the time frame inquired about.

INTERROGATORY NO. 19: Identify all persons, including name, address and telephone number, who provided and/or conducted or were responsible for conducting any type of safety training, during the time Plaintiff was employed by Defendant, to Plaintiff and the crew, employees or borrowed servants working upon Defendant's railroad, railway car(s) and/or engine(s) and/or locomotive(s).

ANSWER:

Unknown.

INTERROGATORY NO. 20: At any time prior to 1980 did Defendant or any of its agents, employees or anyone at the direction of Defendant, Defendant's agent or employees ever conduct an investigation, survey or other process to identify the primary emission sources of airborne asbestos fibers and/or to assess and/or sample for the detection of, the quantity of, or threshold limit value of airborne asbestos fibers aboard such of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) upon which Plaintiff worked? If so, please identify with particularity the entity conducting such investigation(s), survey(s) or test(s), the dates conducted and the results of the same.

ANSWER:

See prior answers and objections. Without waiver: This Defendant has no records of any testing by the predecessor entity which employed Plaintiff.

INTERROGATORY NO. 21: Did Defendant or any subsidiaries or predecessor(s) ever arrange for any labor agency, insurance company, government agency, inspectors or anyone from your company to go on to any of Defendant's railway car(s) and/or engine(s) and/or locomotive(s) in question where asbestos-containing products were used or present to make or take dust level counts related to asbestos dust? If so, identify with particularity the party(ies) conducting such procedure, the dates conducted, the purpose of such procedure, and all results of such procedure.

ANSWER:

See prior objections and answers. Without waiver: There is no record in this entity of any such testing by the predecessor entity by whom Plaintiff claims he was employed, during the times he was employed.

INTERROGATORY NO. 22: Did Defendant or any predecessor or subsidiary obtain facts, knowledge or information from any industry, insurance company, governmental agency, union, and/or any other entity regarding the potential health effects and/or health hazards created for persons exposed to airborne asbestos dust? If so, please list all sources of such information and the dates received.

ANSWER:

See prior objections and answers. Without waiver: In 1938, the U.S. Public Health Service published Public Health Bulletin No. 241, which was prepared at the direction of the Surgeon General. This publication suggested a maximum allowable concentration (MAC) or threshold limit value (TLV) for exposure to asbestos of 5 million particles per cubic foot of air. This standard arose from epidemiological studies of asbestos textile workers who were those

workers thought to have the greatest occupational exposure to asbestos in this country. Legislatures in several states passed occupational safety codes or workers compensation regulations which adopted the TLV standard set forth in Public Health Bulletin No. 241 of 5 million particles of asbestos dust per cubic foot of air. This Defendant has no record of claims against Plaintiff's employer Great Northern, or any other predecessor entity claims for asbestos-related illness in the 1930's or 1940's. There was no epidemiological evidence that asbestos posed any health risk to railroad workers in general or workers of Plaintiff's class in particular.

There is no evidence that asbestos dust levels in any job Plaintiff claims to have held exceeded the TLV as proposed by Public Health Bulletin No. 241.

In 1946, the Fleischer-Drinker epidemiological study concluded that covering pipes with asbestos insulation in a shipyard is not a dangerous occupation. Also, in 1946, the American Conference of Governmental Industrial Hygienists (ACGIH) adopted that TLV (or MAC) of 5 million particles per cubic foot for asbestos. According to ACGIH, it was considered that workers may be repeatedly exposed, day after day, to this level of asbestos dust without their health being adversely affected. OSHA adopted the ACGIH TLV of 5 million particles per cubic foot of air in 1971. OSHA called it a Permissible Exposure Limit (PEL). In 1976, OSHA lowered the TLV (PEL) to 2 million particles of asbestos dust per cubic foot of air (two fibers per cc). This Defendant has no record of any claims for asbestos-related illness from its employees during the 1950s and 1960s. Then asbestos litigation began to mushroom all over the country. As an example, the first employee claim for occupationally-related asbestos illness was received by the Burlington Northern in the 1970's. Up until the time this Defendant (as distinguished from Plaintiff's employer) first received its first asbestos claim, there had been no epidemiological study which indicated that railroad workers were at risk for asbestos-related illness in the performance of their job duties.

In the asbestos insulation litigation, Plaintiff's attorneys discovered in 1975 "The Summer Simpson Papers" which Plaintiff's attorneys alleged constitutes evidence of an effort by Raybestos-Manhattan, Johns Manville, and other asbestos product producers to cover up evidence of adverse affects caused by exposure to asbestos. Shortly thereafter, a report prepared by the Asbestos Textile Institute by an industrial hygienist, W.C.L. Hemeon, was discovered by Plaintiff's counsel. This report of the adverse health aspects of asbestos exposure was never made public by the members of the Asbestos Textile Institute. Plaintiff's counsel alleged that the asbestos manufacturers covered up information relating to the dangers of asbestos and prevented the information from reaching the Public Health authorities and from reaching purchasers of their asbestos insulation products. Further, during the steam locomotive era, manufacturers provided no warnings of any asbestos dangers to the railroads, school districts, the hospitals, or to any other consumers of their insulation products.

In the 1960's, Selikoff, Churg & Hammond undertook an epidemiological study to determine whether insulation workers are at an increased risk for asbestosis and other asbestos-related

diseases in their occupations. In 1965, they concluded that asbestosis and its complications were significant hazards among insulation workers in the United States at that time. The Selikoff study did not apply to railroad workers. Moreover, well before that time, dieselization had removed from the railroad the now most widely recognized source of possible asbestos exposure, steam engine lagging, and the government did not change the TLV from 5 million fibers per cubic foot of air until 1976.

It was not until 1983 that the first alleged epidemiological study was published which suggested that railroad workers might also exhibit asbestos-related disease, specifically mesothelioma. Even that study has been questioned because of a lack of documentation and failure to account for smoking. In any event, it appears that no Great Northern employees were ever included in any epidemiological survey which showed any occupational asbestos-related illness.

- (a) There exists with this Defendant no evidence to suggest that Great Northern was aware that the level of exposure, if any, during Plaintiff's employment would cause any hazard to Plaintiff's health. There is no evidence that maximum limits were exceeded in the course of Plaintiff's employment.

INTERROGATORY NO. 23: List each person who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians (including those physicians who would have been responsible for conducting physicals, evaluations or screenings of Defendant's employees) and industrial hygienists, and the current address, telephone number and job title of each of those individuals who has had or may have had any knowledge regarding the hazards of airborne asbestos dust.

ANSWER:

See prior objections. Without waiver: Defendant has no information responsive to this request during the years of Plaintiff's employment with the predecessor entity except that the name of R.C. Webb appears in certain AAR publications which Plaintiff has offered as exhibits in this case as Chief Surgeon for the Great Northern in a number of years prior to Plaintiff's employment with that company and in one subsequent year.

INTERROGATORY NO. 24: Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication;
- B. The date of publication and the names of the author and publisher (if any);
- C. The date received by Defendant;
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

See prior objections. Without Waiver: Irrelevant since this Defendant has no such publications from the predecessor entity which is alleged to have employed Plaintiff, and since this Defendant acknowledges that it has been aware since the 1970's that prolonged excessive exposure to asbestos may present a health hazard.

INTERROGATORY NO. 25: Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of airborne asbestos? If so, state:

- A. The name and address of each such association or organization;
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members;
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations related in any way to the hazards of asbestos;
- D. Whether any of those publications are still in your possession, and if so:
 - 1. A description of the publications, including the date;
 - 2. The current location of such publications;
 - 3. The custodian of such publications;
 - 4. The method or manner in which such publications are maintained.

ANSWER:

See prior objections. Without waiver: this Defendant has no information regarding the organizations to which Plaintiff's former employers belonged, aside from the fact that documents tendered as exhibits by Plaintiff seem to show that Great Northern was a member of the AAR for some years of its existence.

INTERROGATORY NO. 26: As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers;
- B. How Defendant became aware of the existence of the disease;
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease;
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form;
- F. Who is the custodian of such information;

- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers alone or in conjunction with second hand smoke.

ANSWER:

See prior objections. Without waiver: There are currently no records which would establish the answer to this question as to Great Northern. And, though not relevant as to this Defendant, it is no more possible to provide precise answers to the sub-parts of this question, than it would be to determine when this nation became aware of such hazards. There is no indication that the company's knowledge of these facts occurred, with respect to any sub-part of this question, on a single day, month, or year. Such records as are now available suggest that during the decade of the 1970's, the company became aware of the major emphasis placed upon asbestos containing materials by agencies of the United States government such NIOSH and OSHA, including concerns by such agencies that the levels of exposure to asbestos fibers previously considered safe might need to be re-examined.

INTERROGATORY NO. 27: As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers;
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure;
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure;
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form;
- F. Who is the custodian of such information;
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

See prior objections. Without waiver: There are currently no records which would establish the answer to this question as to Great Northern. And, though not relevant as to this Defendant, it is no more possible to provide precise answers to the sub-parts of this question, than it would be to determine when this nation became aware of such hazards. There is no indication that the company's knowledge of these facts occurred, with respect to any sub-part of this question, on a single day, month, or year. Such records as are now available suggest that during the decade of the 1970's, the company became aware of the major emphasis placed upon asbestos containing materials by agencies of the United States government such

NIOSH and OSHA, including concerns by such agencies that the levels of exposure to asbestos fibers previously considered safe might need to be re-examined.

INTERROGATORY NO. 28: As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers;
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers;
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos;
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure;
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form;
- G. Who is the custodian of such information;
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

See prior objections. Without waiver: There are currently no records which would establish the answer to this question as to Great Northern. And, though not relevant as to this Defendant, it is no more possible to provide precise answers to the sub-parts of this question, than it would be to determine when this nation became aware of such hazards. There is no indication that the company's knowledge of these facts occurred, with respect to any sub-part of this question, on a single day, month, or year. Such records as are now available suggest that during the decade of the 1970's, the company became aware of the major emphasis placed upon asbestos containing materials by agencies of the United States government such NIOSH and OSHA, including concerns by such agencies that the levels of exposure to asbestos fibers previously considered safe might need to be re-examined.

INTERROGATORY NO. 29: As to gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans;
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers;
- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation;

- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure;
- E. What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form;
- G. Who is the custodian of such information.

ANSWER:

See prior objections. Without waiver: The company does not agree that medical literature has firmly established any connection between asbestos fiber exposures and the diseases inquired about in this interrogatory.

INTERROGATORY NO. 30: Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting;
- B. The general subject matter discussed at each meeting;
- C. Who was in attendance at each meeting;
- D. Where and by whom the written minutes are presently maintained;
- E. By whom the minutes were taken and put into final format;
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

See prior objections. Not applicable since this Plaintiff was not employed by this Defendant, and this Defendant has no knowledge of any such information. As to this Defendant, none known.

INTERROGATORY NO. 31: Does Defendant intend to call a company representative as a witnesses at the trial of any of this case? If so, list:

- A. The name, address, and job title of each company representative who may be called;
- B. A summary of the testimony expected to be given by each such witness;
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER:

See prior objections. Not applicable since this Plaintiff was not employed by this Defendant, and this Defendant has no knowledge of any such information. As to this Defendant, none known.

INTERROGATORY NO. 32: Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER:

See prior objections. Without waiver: Plaintiff's prior employer, Great Northern, apparently had a medical director, see answer # 23. This Defendant has no further information regarding Great Northern's medical department.

INTERROGATORY NO. 33: Please state whether written warnings were placed at any locations adjacent to or near asbestos in place on railroad(s), railway car(s) and/or engine(s) and/or locomotives owned or operated by Defendant at anytime from 1965 to the present. If so, please describe with specificity such signs, including size, color, wording, etc. Additionally, please state the number of such signs that were installed and indicate the specific location of each such sign and the dates such sign was at that location.

ANSWER:

See prior objections. Not applicable; Plaintiff was employed prior to the specified period by an entity other than this Defendant.

INTERROGATORY NO. 34: Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Safety Department? If so, state:

- A. The year such Safety Department was established;
- B. Whether or not such Safety Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Safety Department year by year, beginning with the first year you had a Safety Director or Safety Department, and the

- last known address and phone number of each;
- D. State the duties and responsibilities of such Safety Department.

ANSWER:

See prior objections. Without waiver: unknown as to Plaintiff's employers. Not relevant as to this Defendant.

INTERROGATORY NO. 35: Please state whether a medical monitoring program, medical examination program or other medical surveillance was provided to your employees and specifically to Plaintiff. If so, please indicate what records of such program, examination or surveillance concerning Plaintiff exist at this time, including but not limited to reports, x-rays and medical notes.

ANSWER:

See prior objections. Without waiver: None known to this Defendant; it was, however, usual railroad practice at the time of Plaintiff employment to conduct periodic physical examinations. Whether Great Northern followed this practice at the time of Plaintiff employment is uncertain due to lack of any record.

INTERROGATORY NO. 36: Please state whether Defendant has at any time provided safety equipment to the Plaintiff and/or the crew members or employees of Defendant present at any time on the railroad, railway car(s) and/or engine(s) and/or locomotive(s) in question during the time Plaintiff was employed by Defendant for protection against the inhalation of airborne asbestos dust, including but not limited to; masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such item was first provided, under what circumstances provided, and the name, address and telephone number of the person most knowledgeable concerning such provision.

ANSWER:

See prior objections and answers. This Defendant has no further information on what Plaintiff's former employer did in that regard.

INTERROGATORY NO. 37: Please state whether Defendant ever agreed by contract, agreement, negotiation, collective bargaining or otherwise, to provide masks to Plaintiff and other crew members and/or employees of Defendant working with or around asbestos dust, asbestos products, friction products and/or machinery calling for the use of asbestos or asbestos containing products. If so, please state verbatim the specific agreement or contract and/or other document by which Defendant agreed to provide such masks. Include the date the agreement was entered into, the period of time covered by the agreement and the parties to the agreement.

ANSWER:

See prior objections; Not applicable as to the Burlington Northern Santa Fe Railway.

INTERROGATORY NO. 38: Please state the precise State and/or Federal regulations, laws, statutes, or other authority pertaining to industrial hygiene or worker safety and health that governed, regulated controlled and/or were applicable to airborne asbestos exposure in your operations and/or aboard your railroad, railway car(s) and/or engine(s) and/or locomotive(s) during the past thirty years.

ANSWER:

See prior objections.

INTERROGATORY NO. 39: Please describe each and every occasion during the past thirty years when any regulatory agency or other governing body inspected Defendant's railroad, railway car(s) and/or engine(s) and/or locomotive(s) in question for the purpose of ascertaining whether health and safety regulations were being followed or adhered to, including the date of such inspection and/or meeting, the results, and whether a written report was produced.

ANSWER:

See prior objections. Without waiver: this Defendant has no record of such documentation from any time during Plaintiff's employment with Great Northern.

INTERROGATORY NO. 40: Please state whether any asbestos-containing products in place or in use on the railroad, railway car(s) and/or engine(s) and/or locomotive(s) owned or operated by Defendant has been removed or abated at any time from 1965 to the present. If so, please answer the following:

- A. List each and every abatement company or other contractor involved with the removal of asbestos, including address and telephone number, dates of such removal, and whether a contract for such removal exists;
- B. Indicate the total amount in dollars spent by Defendant to abate or remove asbestos from the railroad(s), railway car(s) and/or engine(s) and/or locomotive(s).
- C. State whether any "removal plan" or organized written criteria or other document related to asbestos removal on the railroad(s), railway car(s) and/or engine(s) and/or locomotive(s) was ever prepared by Defendant;
- D. State whether corporate documents discussing or relating generally to the removal of asbestos are in existence and/if so, where they are maintained;
- E. State precise dates and locations when and where such removal or abatement took place for each such car, railroad and/or engine and/or locomotive.

ANSWER:

See prior objections. Without waiver: This Defendant has no records relative to this topic from Plaintiff's prior employers. Not relevant as to this Defendant.

INTERROGATORY NO. 41: As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER:

See prior objections. Without waiver: Defendant has no information as to when Defendant's prior employers received this data. Not relevant as to this Defendant since Plaintiff was not an employee of this entity.

INTERROGATORY NO. 42: Please state whether and when Defendant received a copy of the Fleischer/Drinker Report published in 1945/1946.

ANSWER:

See prior objections. Without waiver: Unknown as to Great Northern. Although irrelevant, currently unknown as to this Defendant.

INTERROGATORY NO. 43: Please describe all actions taken by Defendant to comply with the Boiler Inspection act, previously 45 U.S.C. §23 during the past thirty-five (35) years, now designated at 49 U.S.C. §20701 et seq.

ANSWER:

See prior objections.

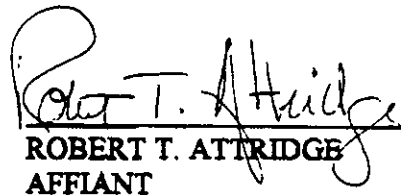
VERIFICATION

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

Before me, the undersigned authority, on this day personally appeared ROBERT T ATTRIDGE, known to me to be the person whose name is subscribed to this Affidavit and having been duly sworn, upon his oath deposes and says:

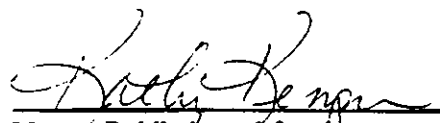
"My name is ROBERT T. ATTRIDGE. I am over eighteen (18) years of age and am fully competent to make this Affidavit. I am **DIRECTOR OF OCCUPATIONAL CLAIMS** for The Burlington Northern and Santa Fe Railway Company. There is no one person who has knowlege of each and every fact herein, however, these answers were compiled through a concerted effort of employees, counsel, and records. I do hereby swear, that they are true and correct."

Further, Affiant sayeth not.


ROBERT T. ATTRIDGE
AFFIANT

Subscribed and sworn to before me on this the Xth day of July, 1997, to certify which witness my hand and seal of office.




Notary Public in and for the
State of Texas

My Notary Seal Expires: 2/12/2001

No. 94-12680-K

FILED

36 MAR 28 10:54

MARVIN ENGLISH, JR., ET AL.	)	IN THE DISTRICT COURT OF
	)	
Plaintiff,	)	
vs.	)	DALLAS COUNTY, TEXAS
	)	
OWENS-CORNING FIBERGLAS	)	192nd JUDICIAL DISTRICT
CORPORATION, ET AL.,	)	
	)	
Defendants.	)	

DEFENDANT'S RESPONSE TO PLAINTIFF'S INTERROGATORIES

COMES NOW the Defendant, Burlington Northern Railroad Company, by and through its attorney, William A. Brasher, of the Brasher Law Firm, and for its Response to Plaintiff's Interrogatories, states as follows:

GENERAL OBJECTIONS APPLICABLE TO EACH REQUEST

Defendant objects to Plaintiff's definition of Defendant to include legal entities other than Defendant which is beyond the scope of permissible discovery and to each and every request which seeks information from entities other than the named Defendant. Defendant further objects to Plaintiff's interrogatories in that they exceed the maximum permissible number of interrogatories which can be served in any one set. Defendant further objects to Plaintiff's interrogatories in that they are excessive and are form interrogatories not tailored for this case and are sent for the purpose of harassment and to create undue work for Defendant.

INTERROGATORY RESPONSES

1. Defendant objects to this interrogatory as it is unduly burdensome and overly broad. Subject to said objection, information was supplied by Ron Ryder, Director, Claims, Burlington Northern Railroad Company, Ft. Worth, Texas.

2. Defendant Burlington Northern Railroad Company is incorporated in the state of Delaware, with its principal place of business in Ft. Worth, Texas. Defendant objects to the remainder of Plaintiff's interrogatory as overly broad and unduly burdensome.

3. Defendant objects to this request as overly broad, argumentative, and that it assumes "liability" which Defendant denies.

4. Defendant objects to this interrogatory on the grounds that it calls for mental conclusions or theories of defense counsel which are protected from disclosure by the attorney work product privilege.

5. Defendant does not have sufficient knowledge or information to respond to this interrogatory at this time.

6. Defendant objects to this interrogatory as overly broad, argumentative, and because it assumes that asbestos was installed, removed or used in "the vicinity of the Plaintiff."

7. Defendant objects to this interrogatory on the grounds that it calls for mental conclusions of defense counsel protected from disclosure by the attorney work product privilege. Without waiving this objection, please see Plaintiff's Work or Personal History Sheets.

8. Defendant objects to this interrogatory on the grounds that it calls for mental conclusions of defense counsel protected from disclosure by the attorney work product privilege. Without waiving this objection, please see Plaintiff's Work or Personal History Sheets.

9. Defendant objects to this interrogatory as overly broad and unduly burdensome because it calls for mental conclusions or theories of defense counsel which are protected from disclosure by the attorney work product privilege.

10. Defendant has made no decision regarding expert witnesses but objects to Plaintiff's interrogatory as overly broad and unduly burdensome.

11. Counsel for Defendant, William A. Brasher and Ron Ryder.

12. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and further because it calls for disclosure of information not reasonably calculated to lead to admissible evidence. Defendant further objects to this interrogatory as it is not required under Texas Rules of Civil Procedure to obtain information from another legal entity.

13. Defendant objects to this interrogatory on the grounds that it is overly broad, unlimited in time, unduly burdensome, and further because it calls for disclosure of information not reasonably calculated to lead to admissible evidence. Defendant further objects to this interrogatory as it is not required under Texas Rules of Civil Procedure to obtain information from another

legal entity.

14. Defendant objects to this interrogatory as overly broad, vague and confusing.

15. N/A.

16. Defendant objects to this interrogatory on the grounds that it is overly broad, unlimited in time, unduly burdensome, and further because it calls for disclosure of information not reasonably calculated to lead to admissible evidence. Defendant further objects to this interrogatory as it is not required under Texas Rules of Civil Procedure to obtain information from another legal entity.

17. N/A.

18. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and further because it calls for disclosure of information not reasonably calculated to lead to admissible evidence. Defendant further objects to this interrogatory as it is not required under Texas Rules of Civil Procedure to obtain information from another legal entity.

19. Defendant objects to this interrogatory as overly broad and unduly burdensome.

20. Defendant objects to this request as argumentative in that it assumes Plaintiff worked around asbestos. Subject to said objection, it is not believed that "airborne asbestos" testing would have been performed.

21. Defendant objects to this interrogatory as overly broad, not limited in time, nor to any area or equipment which

Plaintiff allegedly worked on. Defendant further objects to requests for information from other legal entities as beyond the scope of permissible discovery.

22. Defendant objects to this interrogatory as overly broad, not limited in time, nor to any area or equipment which Plaintiff allegedly worked on. Defendant further objects to requests for information from other legal entities as beyond the scope of permissible discovery.

23. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case.

24. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case.

25. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case. Defendant further objects to requests for information from other legal entities as beyond the scope of permissible discovery.

26. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case. Defendant further objects to requests for information from other legal entities as beyond the scope of permissible discovery.

27. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor

specifically limited to the facts in this case. Defendant further objects to requests for information from other legal entities as beyond the scope of permissible discovery.

28. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case. Defendant further objects to requests for information from other legal entities as beyond the scope of permissible discovery.

29. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case. Defendant further objects to requests for information from other legal entities as beyond the scope of permissible discovery.

30. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case. Defendant further objects to requests for information from other legal entities as beyond the scope of permissible discovery.

31. Defendant objects to this interrogatory on the grounds that it is unduly burdensome and calls for information beyond the scope of discovery. Subject to this objection, Defendant has made no decision regarding whether it will "call" a company representative in this case.

32. Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, not limited in time nor to the facts of this case. Defendant further objects to this

interrogatory as it is not required under Texas Rules of Civil Procedure to obtain information from another legal entity.

33. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case.

34. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case. Defendant further objects to this interrogatory as it is not required under Texas Rules of Civil Procedure to obtain information from another legal entity.

35. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case.

36. Defendant objects to this interrogatory as overly broad and not limited to Plaintiff and/or areas of Plaintiff. Subject to said objection, Defendant believes some types of protective equipment would have been available for employees although not used specifically for protection from asbestos fibers, if any.

37. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case.

38. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case. Defendant further objects to this request insofar as it attempts to require

-Defendant to perform legal or other research for Plaintiff in that such information is equally available to Plaintiff and his attorneys.

39. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case.

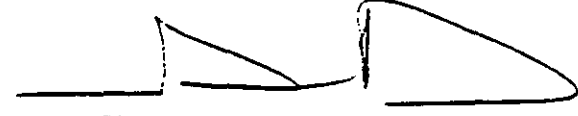
40. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case.

41. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case. Defendant further objects to this request insofar as it attempts to require Defendant to perform legal or other research for Plaintiff in that such information is equally available to Plaintiff and his attorneys.

42. Unknown.

43. Defendant objects to this interrogatory as overly broad, unduly burdensome, and not limited in time nor specifically limited to the facts in this case.

BRASHER LAW FIRM



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State Bar No. 02908500
One Metropolitan Square
211 N. Broadway, Suite 2300
St. Louis, MO 63102
(314) 621-7700

Attorney for Defendant, Burlington
Northern Railroad Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a complete copy of the foregoing document was forwarded via certified mail, return receipt requested, on this 25th day of March 1996 to:

Kimberly A. Castles, Esq.
BARON & BUDD, P.C.
3102 Oak Lawn Avenue
Dallas, TX 75219

BY: Lia M. Rechner